



# ARMCO EASTERN STEEL DIVISION

PERSONNEL RELATIONS  
Middletown Works

October 15, 1986

CERTIFIED

Ms. Vivian D. Pryor  
802 Tenth Avenue  
Middletown, Ohio 45042

Dear Ms. Pryor:

A review of our records reveal that you have been on layoff status for the past two years.

In keeping with the provisions as outlined in the Agreement between Armco Inc. and the A.E.I.F., it now becomes necessary to terminate your continuous service with Armco Inc. as a result of the duration of your layoff. These provisions are explained more fully in Article VIII, Section L-2a(10) of the Basic Agreement.

If you have any questions pertaining to your termination of employment with Armco, please contact a member of the Middletown Works Employment staff.

Sincerely,

Supervisor - Employment

ARMCO INC., EASTERN STEEL DIVISION • 1801 CRAWFORD ST., MIDDLETOWN, OHIO 45043

DEFENDANT'S  
EXHIBIT

BERT-1

See 4-2407

# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

☐ FEPA  
☐ EEOC

CHARGE NUMBER

221A00442

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Vivian Bert

HOME TELEPHONE (Include Area Code)  
 (513) 423-5408

STREET ADDRESS

CITY, STATE AND ZIP CODE

1812 Cherry Street, Middletown, Ohio 45044

DATE OF BIRTH

/57

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY  
 APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO  
 DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

A.K. Steel  
 Company

TELEPHONE (Include Area Code)

(513) 683-5300

STREET ADDRESS

CITY, STATE AND ZIP CODE

703 Curtis Street, Middletown, Ohio 45043

COUNTY

NAME

TELEPHONE NUMBER (include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ Race ☒ Color ☐ Sex ☐ Religion ☐ National Origin

DATE DISCRIMINATION TOOK PLACE

earliest (ADEA/EPA) LATEST(ALL)  
 / / August, 1999

☐ Retaliation ☐ Age ☒ Discrimination ☐ Other (Specify)

☐ Continuing Action

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

1. I am an African American female, age 42 (D.O.B. /57).
2. On several occasions, the latest being on or about August 1999, I submitted an application for employment with A.K. Steel in Middletown, Ohio. I was applying for entry level jobs. By reason of my background and prior work experience, I am fully qualified for an entry level or a laborer position.
3. To date I have received no response to my application.

☐ I also want this charge filed with the EEOC.

I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (when necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Date

Charging Party (Signature)

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (Day, month, and year)

TEST FORM 5 (09/01/91)

DEFENDANT'S  
 EXHIBIT

BERT - 2

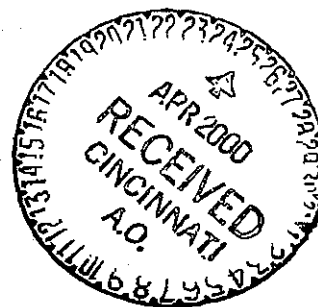
NA 4-24-07

PAMELA J. SPRADLING  
 Notary Public, State of Ohio  
 My Commission Expires Sept. 4, 2002

06/30/00 FRI 17:03 [TX/RX NO 51671]

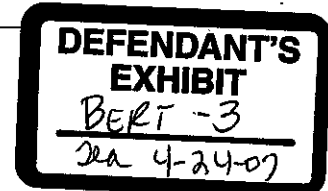
## THE PARTICULARS (CONT.)

4. To the best of my information and belief, the job openings for which I applied were filled by Caucasian applicants with the same or lesser qualifications than mine.
5. I believe that A.K. Steel favors Caucasians over minorities in its hiring policies and practices. I believe I was not hired because A.K. Steel maintains a pattern and practice of discrimination against minority applicants at its Middletown, Ohio facility.



STATE OF OHIOCASE NAME Bert vs A K STEELCITY/COUNTY OF Middletown/ButlerCASE NUMBER 221A00442**AFFIDAVIT**I, Vivian Bert being first duly sworn upon my oath affirm and hereby say:  
(Name)

I have been given assurances by an Agent of the U.S. Equal Employment Opportunity Commission that this Affidavit will be considered confidential by the United States Government and will not be disclosed as long as the case remains open unless it becomes necessary for the Government to produce the affidavit in a formal proceeding. Upon the closing of this case, the Affidavit may be subject to disclosure in accordance with Agency policy.

I am 43 years of age, my gender is Female and my racial identity is Black.  
(sex) (race)I reside at 1812 Cherry Street  
(Number/Street)City of Middletown, County of ButlerState of OH, Zip Code 45044My telephone number is (including area code) (513) 423-5408My statement concerns A K STEEL which is  
(Name of Union/Company/Agency)located at 703 Curtis Street  
(Number/Street)in Middletown OH 45043  
(City) (State) (Zip)My job classification is (if applicable) Laborer  
(job title)My immediate supervisor is (if applicable) N/A, N/A  
(Name) (job title)

This company makes various steel products and it has more than 500 employees.

I reapplied for hire in August, 1999, for a position as a Laborer. I filled out an application. It did ask for my age and race and I did put that information directly on the application, towards the end of the application. I was neither called in to take a test or to be interviewed. I did not receive a letter or any information from this company regarding my application. I went to an Employment Career Center on University Boulevard to pick up an application and I dropped it off later. I did not speak to anyone when I dropped it off in the tray they had provided for this.

I worked here before in 1987-88 as a Laborer and then transferred within the Power Department into the office. I knew how to type and was placed here to replace a person who was retiring. I helped to keep the payroll and did other clerical duties until I was laid off about 9 months after I was hired.

The office where I was doing payroll does keep records identifying the race and age of the employees. The forms for the applicants were not kept in this office. In 1987-88, I believe there were about 1200



STATE OF OHIO  
 CITY/COUNTY OF Middletown/Butler

CASE NAME Bert vs A K STEEL  
 CASE NUMBER 221A00442

### AFFIDAVIT (cont.)

Laborers. There were more Laborers then than there are now. There may have been about 200 Black Laborers. At this time, I believe there may be about 89-90 Black Laborers and some of these may actually be skilled Laborers.

Allen Roberts (former Team Leader, Black about age 35) knows all about the number of Laborers now and how many are Black. He was and may still be on the Civil Rights Committee. His number is 513/420-9515 (home) and his pager number is 888/392-6006. He has told me that the company is firing a lot of the minorities and often for minor things. He also knows how many people were hired last year and how many are Black. I heard it was no more than 5 Blacks, if that many. I have also heard that this matter is going to arbitration either now or in the near future.

I know that many of the Blacks, who were hired in 1987-88, were females and were lighter in color or brown; they were not dark. I believe that some of the Blacks hired then were Angela LNU, Sheila Thomas (lighter than I am), etc. I believe they were laid off, too.

I have not heard any biased statements regarding race or age. I do know that I was hired when I was under age 40 and then denied rehire after age 40. I do not of anyone, Black or White, who has been rehired.

I am seeking equal treatment for everyone, front pay (about \$13.00 per hour with a lot of overtime), rehire as a Laborer, record expunged if appropriate, seniority adjusted, benefits, attorney fees, and any and all other remedies allowed under the law.

I have read and had an opportunity to correct this Affidavit consisting of \_\_\_\_\_ handwritten ☐ typed ☐ pages and swear that these facts are true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_.

Employer Name

Complete if you are interested only in casual labor or special job recruitment employment or in other types of special services.

Job Order No.

AK

APPLICANT DATA

Name (Last) Bert (First) Vivian (Middle) D SSN Data

Mailing Address (Please include P.O. Box, route number, apartment number, etc.)

1812 Cherry Street

City MIDDLETOWN State Ohio ZIP Code 45044

Phone Numbers:

Home 513 423-5408

Message 866 222-9617

Are you a United States citizen? ☒ Yes ☐ No

If "No," please present your immigration documents to a staff person after completing your application.

DO NOT COMPLETE SHADED AREAS FOR STAFF USE ONLY

Birthdate (mm/dd/yyyy) 06/06/57 What is your race or ethnic group?  
☐ White, not Hispanic ☐ American-Indian or Alaskan Nati  
☒ Black, not Hispanic ☐ Asian or Pacific Islander  
☐ Hispanic  
 Gender ☐ Male ☒ Female

SEASONAL/MIGRANT FARMWORKER

The following information will help us determine if you are a seasonal or migrant farmworker or a migrant food processing worker.

- Did you earn at least half of your income during the past 12 months from farm and/or food processing work? YES ☒  
 If you answered "Yes," answer question 2 of this item. If "No," proceed to education.
- Were you employed by the same employer year round? ☒  
 If you answered "No," answer questions 3, 4, and 5 of this item.
- In the past 12 months, did you work at least 25 days in farm work? ☐
- In the past 12 months, did you work at least 25 days in food processing? ☐
- Are you unable to return home at night because your work location is too far from your residence? ☐

EDUCATION

The following educational information may be used to determine whether you are qualified for certain jobs. You may be required to a transcript, diploma, or other proof if requested.

Highest school grade completed: (Indicate 12 if you have a GED certificate.)

Highest degree that you have received:

0291

Pls' 1st Prod. to Dft

- ☐ None ☐ GED ☒ High School Diploma ☒ Certificate  
☐ Associate ☐ Bachelor ☐ Master ☐ Ph.D

HOUSEHOLD

How many people, including yourself, who are related by blood, marriage, or adoption, are living in your household?

2

What is the total income from all sources by all members of your household in the past six months?

Estimate the amount to the nearest dollar \$25000

VETERAN SERVICES

DEFENDANT'S EXHIBIT

BERT 4

MA 4-24-07

**CHARGE OF DISCRIMINATION**

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA☒ EEOC

221A200658

Cincinnati Area Office

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ms. Vivian Bert

HOME TELEPHONE (Include Area Code)

(513) 423-5408

STREET ADDRESS

CITY, STATE AND ZIP CODE

1812 Cherry St.

Middletown, OH 45044

DATE OF BIRTH

/57

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY AGAINST ME (If more than one list below.)

NAME

AKSteel

NUMBER OF EMPLOYEES, MEMBERS

&gt;20

TELEPHONE (Include Area Code)

1-800-331-5050

STREET ADDRESS

CITY, STATE AND ZIP CODE

703 Curtis Street

Middletown, Ohio 45043

COUNTY

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/FEPA)

LATEST (ALL)

April 2002

☒ RACE☒ COLOR☐ SEX☐ RELIGION☐ AGE☐ RETALIATION☐ NATIONAL☐ DISABILITY☐ OTHER (Specify)

ORIGIN

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

EEOC, CINCINNATI AREA OFFICE

JUN 21 2002

RECEIVED

**DEFENDANT'S  
EXHIBIT**

BERT - 5

JUN 4 2007

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I will advise the

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

Charging Party (Signature)

6/10/2002 Vivian Bert

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

**CHARGE OF DISCRIMINATION  
VIVIAN BERT  
PAGE 1**

**I. Overview of Individual and Class Allegations**

AK Steel Corporation has discriminated and continues to discriminate against me in the terms and conditions of my application for employment with them on the basis of my race, African-American, by denying me the opportunity to be hired while hiring equally or less qualified white employees and subjecting me to a racially hostile application process and other forms of discrimination. I believe that AK Steel Corporation's actions are part of a continuing pattern and practice of discrimination against African-American applicants for employment and employees, including but not limited to, denying applicants hiring opportunities while providing such opportunities to equally or less qualified white applicants and subjecting them to a racially hostile application process.

**II. Statement of Facts**

I have applied four times to AKSteel, most recently for a Clerical position in April 2002. Having seen job postings in the newspaper and on TV, I filled out and turned in an application at a Middletown job center in a local shopping center. The job description for the Clerical position specified that the successful applicant would be able to type sixty words per minute, use a clerical machine, and be familiar with routine clerical tasks such as filing. Because I have experience working at AKSteel in a clerical position (from February 1982 until I was laid off due to downsizing and lack of seniority in September 1984) and can type sixty words per minute, use a clerical machine, and have filing and computer skills, I thought that the position corresponded well to my qualifications. In addition, I have no felony convictions and am drug-free. After each application, however, I heard nothing back from AKSteel. They did not acknowledge receipt of my application materials, schedule an interview or test, or notify me of rejection. I am currently unemployed.

**III. Statement of Discrimination**

I believe that AK Steel Corporation has discriminated against me and continues to discriminate against me in the terms and conditions of my applications for employment with them on the basis of my race, African-American, in violation of the Civil Rights Act of 1964, as amended, because white applicants with fewer qualifications than me have been hired and I have not, and because I have been subjected to a racially hostile application process and other forms of discrimination and denied the right to apply for work in an environment free of racial discrimination.

I have been adversely affected by these discriminatory practices by being deprived of the equal opportunity to be hired. Such discrimination denies me and other African-Americans the right to be hired for positions for which we are qualified.

This systemic discrimination also adversely affects the status of African-Americans as employees by promoting and reinforcing racial stereotypes and bias in hiring.



**CHARGE OF DISCRIMINATION  
VIVIAN BERT  
PAGE 2**

**IV. Statement of Classwide Discrimination on the Basis of Race**

Based on my experiences, I believe that AK Steel Corporation has engaged and continues to engage in a pattern and practice of discrimination against its African-American applicants for employment and employees that denies them equal employment opportunities in ways including but not limited to the following: denying them hiring opportunities while providing such opportunities to equally or less qualified white employees and subjecting them to a racially hostile application process and work environment in which few other African-Americans are employed. This policy violates Title VII of the 1964 Civil Rights Act, 42 U.S.C. Section 2000(e), et seq.

I believe this policy has effected a class of black persons comprised of all past, present and future black applicants for employment with AK Steel. I believe that these discriminatory practices occur throughout AK Steel Corporation. I make this charge on behalf of myself and all similarly situated African-American applicants for employment and employees.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 6/12/2002

Vivian Best

Charging Party (signature)

AK Steel Corporation

AKSteel

AK Steel Corporation is an Equal Employment Opportunity Employer and as such meets all government regulations pertaining to Equal Employment Opportunity.

Name VIVIAN DELOIS BERT Date \_\_\_\_\_  
FIRST MIDDLE LAST  
 Present Address 1812 Cherry St MIDDLETOWN OH 45044  
NO. STREET CITY STATE ZIP CODE  
 Phone Number — or number where you can be reached: (513) 423-5408  
AREA CODE NUMBER  
 Permanent Address: Same as Above  
NO. STREET CITY STATE ZIP CODE  
 Permanent Phone: (513) 423-5408 Social Security # \_\_\_\_\_  
AREA CODE NUMBER

Are you 18 years of age or older? ☒ Yes ☐ No

Are you lawfully entitled to work within the U.S.? Yes  
(PROOF OF CITIZENSHIP OR IMMIGRATION STATUS IS REQUIRED UPON EMPLOYMENT)

Have you been convicted of a crime other than a minor traffic violation? No

If yes, explain. \_\_\_\_\_

Date available for employment: As soon as possible

If the job requires, are you willing to travel? Yes Relocate? Yes

If the job requires, are you able to work all shifts? Yes

Have you previously applied at Armco or AK Steel? Yes If yes, when/where? Sept 1999

Have you previously worked for Armco or AK Steel? Yes If yes, when/where? 1982-1984  
was laid off

Federal regulations require AK Steel Corporation to maintain the following information on all individuals making application for employment. This information is retained separate and apart from all APPLICATIONS FOR EMPLOYMENT and is not used for purposes of making employment decisions. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, military status, disability or age. We appreciate your cooperation.

NAME VIVIAN BERT DATE 6/1/00

SEX: ☐ Male ☒ Female

RACE: ☐ White (not of Hispanic origin)  
☒ Black (not of Hispanic origin)

☐ Hispanic  
☐ American Indian or Alaskan Native

☐ Asian or Pacific Islander

CHECK IF APPLICABLE: ☐ Vietnam Era Veteran ☐ Disabled Veteran ☐ Disabled Individual

POSITION FOR WHICH YOU ARE APPLYING:

☐ Management  
☐ Professional

☐ Sales Representative  
☐ Technical

☐ Clerical  
☐ Craft Worker

☒ Laborer  
☐ Service Worker

Form G-6545 12/94 (EMPLOYMENT DEPARTMENT: Detach Upon Receipt of Application)

0286 Plfs' 1st  
 Prod. to Dft

DEFENDANT'S  
 EXHIBIT

BERT- 6

ar 4-24-07

For what, particular type of work are you making application; e.g., clerical, technical, engineering, professional, sales, labor, etc.

labor or clerical

Expected wage or salary \$ 13.00hr

If applying for clerical work, list special skills. Include typing (wpm), word processing, computer software, and any office machines or equipment you can operate: Typing 55wpm - Computer - Word

If applying for sales, technical, professional, or administrative work, give highlights of any special training or experience which may be helpful:

If applying for labor or craft work, indicate any training or experience which might be useful. Include any equipment or machinery you can operate: FORK TRUCKS - hand trucks - CRANES, Computers, Compressed Air Foam For packaging.

Describe any additional qualifications, abilities, or strong points which will help you be successful in the job for which you are applying.

#### PERSONAL REFERENCES:

Please provide the following information on three individuals whom we may contact as references:

NAME	ADDRESS	TELEPHONE NO	RELATIONSHIP
Choppy Sanders	805 11th MIDD. OH	48044 (513) 422-5374	Friend
DORA Commodore	601 18th Ave. MIDD, OH	48044 (513) 422-1370	Friend
BINA CRAFT	3404 Grand ave. MIDD, OH	48044 (513) 422-5378	Friend

I hereby certify that the foregoing information is accurate, and I authorize AK Steel to verify it. I specifically authorize AK Steel Corporation to obtain information from my former employers and other references, and I authorize my former employers and other references to release information to AK Steel Corporation.

I agree that any false or misleading statement in this application for employment or any additional forms signed by me in connection with my employment shall be sufficient cause for refusal or termination of employment.

I understand that this application is not and is not intended to be a contract of employment. I agree to submit to a physical examination applicable to the requirements of the type of work for which I am applying, including drug and alcohol abuse screening.

Signature of Applicant

Vivian Bert

0287

PITS 1st  
Prod. to Dft

Application received by/Date received



## EMPLOYMENT EXPERIENCE:

## PRESENT OR MOST RECENT POSITION

Name of employer Burns Security Your title Security Guard  
 Address Pete Rose Way Kind of business Security  
Cinc. Ohio 45202  
 Describe your position Security Post at Guard Shack At Proctors Gambli  
 Period of employment from Feb 1999 to Now Name of person for whom you worked Philip Baker Rate of earnings 8.50 hr  
 (MO/YR) (MO/YR)  
 Give exact reason for leaving \_\_\_\_\_

## NEXT PREVIOUS POSITION

Name of employer Postal Service Your title MAIL CARRIER  
 Address Middletown N, Ohio 45044 Kind of business Government  
 Describe your position Mail delivery  
 Period of employment from Feb 1997 to Feb 1999 Name of person for whom you worked \_\_\_\_\_ Rate of earnings 13.00 hr  
 (MO/YR) (MO/YR)  
 Give exact reason for leaving Husband was terminally ill - Resigned to take care of him

## NEXT PREVIOUS POSITION

OK/Alabama  
 Name of employer Dept. OF Transportation Your title Clerk  
 Address 200 NE 21st Street Kind of business State  
OKC, OK 73105  
 Describe your position Clerk to the Comptroller  
 Period of employment from May 1994 to July 1996 Name of person for whom you worked William Martin Rate of earnings 8.50 hr  
 (MO/YR) (MO/YR)  
 Give exact reason for leaving MOVED BACK to Ohio

## NEXT PREVIOUS POSITION

Name of employer General Electric Aircraft engine Business Your title Shipping & Receiving  
 Address 1 Neumann Way Cin. Ohio 45215 Kind of business AIRCRAFT Engine  
 Describe your position Shipping & Receiving OF Aircraft Engine parts  
 Period of employment from Sept 1984 to Sept 1993 Name of person for whom you worked Chester Gregory Rate of earnings 14.59 hr  
 (MO/YR) (MO/YR)  
 Give exact reason for leaving LAI D - OFF

How much time have you lost from work in the past two years? None

**EDUCATIONAL BACKGROUND:**

Circle last grade completed 1 2 3 4 5 6 7 8 9 10 11 (12) College hours completed											
TYPE OF SCHOOL	NAME AND LOCATION	GRADUATED		DEGREE	FIELD OF STUDY	GRADE POINT/SCALE TOP, MID, BOT, 1/3					
		YES	NO								
HIGH	MIDDLETOWN High School	✓			Business	3.8					
BUSINESS OR TRADE											
COLLEGE OR UNIVERSITY	VALdosta State College										
	VALdosta Georgia		✓		BUSINESS						
POST GRADUATE											

List other formal educational experience; e.g., night school, home study courses, GED, etc. \_\_\_\_\_

If presently enrolled, indicate where and field of study: \_\_\_\_\_

Describe any definite plans for further study: \_\_\_\_\_

List significant activities, honors, awards or elective offices which have contributed to your career goals and interests: \_\_\_\_\_

**MILITARY SERVICE:** Are you a Veteran of the U.S. Military Service? ☐ Yes ☒ No

BRANCH OF SERVICE	HIGHEST RANK OR RATE

Please, indicate any military experience or training you feel might be of interest and value to AK Steel: \_\_\_\_\_

## APPLICATION FOR EMPLOYMENT

AK Steel Corporation



AK Steel Corporation is an Equal Employment Opportunity Employer and as such meets all government regulations pertaining to Equal Employment Opportunity.

Name VIVIAN DELOIS BERT Date 5-23-01  
FIRST MIDDLE LAST

Present Address 1812 Cherry St MIDDLETOWN OH 45044  
NO STREET CITY STATE ZIP CODE

Phone Number — or number where you can be reached: (513) 423-5408  
AREA CODE NUMBER

Permanent Address: Same as Above  
NO. STREET CITY STATE ZIP CODE

Permanent Phone: (513) 423-5408 Social Security # \_\_\_\_\_  
AREA CODE NUMBER

Are you 18 years of age or older? ☒ Yes ☐ No

Are you lawfully entitled to work within the U.S.? Yes  
(PROOF OF CITIZENSHIP OR IMMIGRATION STATUS IS REQUIRED UPON EMPLOYMENT)

Have you been convicted of a crime other than a minor traffic violation? No

If yes, explain. \_\_\_\_\_

Date available for employment: AS SOON AS POSSIBLE

If the job requires, are you willing to travel? Yes Relocate? Yes

If the job requires, are you able to work all shifts? yes

Have you previously applied at Armco or AK Steel? yes If yes, when/where? Sept 1999

Have you previously worked for Armco or AK Steel? yes If yes, when/where? 1982-1984  
was laid off



BERT  
 LAST NAME  
 VIVIAN  
 FIRST  
 DELOIS  
 MIDDLE

**EDUCATIONAL BACKGROUND:**

Circle last grade completed 1 2 3 4 5 6 7 8 9 10 11 (12)												College hours completed	
TYPE OF SCHOOL	NAME AND LOCATION	GRADUATED		DEGREE	FIELD OF STUDY	GRADE POINT/SCALE TOP MID BOT L3							
		YES	NO										
HIGH	MIDDLETOWN High School	✓			Business	3.8							
BUSINESS OR TRADE													
COLLEGE OR UNIVERSITY	VALDOSTA State College												
	VALDOSTA Georgia		✓		Business								
POST GRADUATE													

List other formal educational experience; e.g., night school, home study courses, GED, etc. \_\_\_\_\_

If presently enrolled, indicate where and field of study: \_\_\_\_\_

Describe any definite plans for further study: \_\_\_\_\_

List significant activities, honors, awards or elective offices which have contributed to your career goals and interests: \_\_\_\_\_

**MILITARY SERVICE:** Are you a Veteran of the U.S. Military Service? ☐ Yes ☒ No

BRANCH OF SERVICE	HIGHEST RANK OR RATE

Please, indicate any military experience or training you feel might be of interest and value to AK Steel: \_\_\_\_\_



PRESENT OR MOST RECENT POSITION

Name of employer Burns Security Your title Security Guard  
Address Pete Rose Way Kind of business Security  
Cinc. Ohio 45202  
Describe your position Security Post at Guard Shack At Proctors Gambler  
Period of employment from Feb 1999 to Now Name of person for whom you worked Philip Baker Rate of earnings 8.50 hr  
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Give exact reason for leaving \_\_\_\_\_

NEXT PREVIOUS POSITION

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(MO/YR) (MO/YR)  
Give exact reason for leaving Husband was terminally ill - Resigned to take care of him

NEXT PREVIOUS POSITION

Oklahoma  
Name of employer Dept. of Transportation Your title Clerk  
Address 200 NE 21st Street Kind of business State  
OKC, OK 73105  
Describe your position Clerk to the Comptroller  
Period of employment from May 1994 to July 1996 Name of person for whom you worked William Martin Rate of earnings 8.50 hr  
(MO/YR) (MO/YR)  
Give exact reason for leaving Moved Back to Ohio

NEXT PREVIOUS POSITION

Name of employer General Electric Aircraft engine Business Your title Shipping & Receiving  
Address 1 Neumann Way Cin. Ohio 45215 Kind of business AIRCRAFT Engine  
Describe your position Shipping & Receiving of Aircraft Engine Parts  
Period of employment from Sept 1984 to Sept 1993 Name of person for whom you worked Chester Gregory Rate of earnings 14.59 hr  
(MO/YR) (MO/YR)  
Give exact reason for leaving LAI D - OFF

How much time have you lost from work in the past two years? None

**JOB INTERESTS AND SKILLS:**

For what particular type of work are you making application; e.g., clerical, technical, engineering, professional, sales, labor, etc.

labor or clerical

Expected wage or salary \$ 13.00/hr

If applying for clerical work, list special skills. Include typing (wpm), word processing, computer software, and any office machines or equipment you can operate: Typing 55wpm - Computer - Word

If applying for sales, technical, professional, or administrative work, give highlights of any special training or experience which may be helpful:

If applying for labor or craft work, indicate any training or experience which might be useful. Include any equipment or machinery you can operate: FORK TRUCKS - hand trucks - CRANES, Computers  
Compressed Air Foam For packaging.

Describe any additional qualifications, abilities, or strong points which will help you be successful in the job for which you are applying.

**PERSONAL REFERENCES:**

Please provide the following information on three individuals whom we may contact as references:

NAME	ADDRESS	TELEPHONE NO.	RELATIONSHIP
Choppy Sanders	805 11th Midd, OH	48044 (513) 422-5374	Friend
DORA Commodore	601 18th Ave. Midd, Ohio	48044 (513) 422-1370	Friend
GINA CRAFT	3404 Grand ave. Midd, Ohio	48044 (513) 422-5378	Friend

I hereby certify that the foregoing information is accurate, and I authorize AK Steel to verify it. I specifically authorize AK Steel Corporation to obtain information from my former employers and other references, and I authorize my former employers and other references to release information to AK Steel Corporation.

I agree that any false or misleading statement in this application for employment or any additional forms signed by me in connection with my employment shall be sufficient cause for refusal or termination of employment.

I understand that this application is not and is not intended to be a contract of employment. I agree to submit to a physical examination applicable to the requirements of the type of work for which I am applying, including drug and alcohol abuse screening.

Signature of Applicant

Vivian Bert

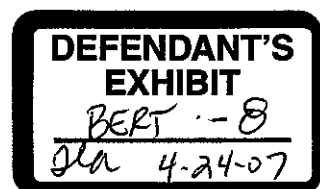
Application received by/Date received

## ESSENTIAL FUNCTIONS FOR AK STEEL ENTRY LEVEL EMPLOYMENT RESERVE JOB

The following are the essential functions for the AK Steel Entry Level Employment Reserve Job. Please read each function and sign as indicated below if you can perform each and every one of the functions. Note beside each question if you would have difficulty in performing any of the specific functions or if an accommodation would be necessary.

1. Be available to work rotating shifts 24 hours a day seven days a week.
2. Travel through the mill which entails traversing over uneven and oily floors.
3. Stand for extended periods of time in one place.
4. Work for prolonged periods of time in extreme cold or heat, including exposure to intense radiant heat for several minutes at a time.
5. Work for prolonged periods of time exposed to dirt, dust, fumes, smoke, glare, wetness, and/or mists.
6. Access equipment and work areas many of which require the climbing of stairs or rung ladders (300 lbs. capacity).
7. Climb onto and off of various pieces of equipment, such as rail cars and mill houses.
8. Lift 80 lb. object to waist level.
9. Lift 25 lb. object above the head.
10. Push and pull heavy objects.
11. Shovel various materials weighing approximately 15 lbs. for prolonged periods of time.
12. Wrap large coils of steel with paper and banding materials from ground to head level which involves repeated bending, stooping, crouching, reaching, kneeling, and gripping.
13. Operate a forklift, coil tractor, and other mobile equipment.
14. Continuously operate for extended periods of time various hand tools, such as a pneumatic air gun, hand crimper tools, and two inch pipe wrench.

*List continues on back of page.*



15. Continuously operate for extended periods of time heavy pneumatic tools such as jackhammers.
16. Access, input, and retrieve data from a computer.
17. Inspect materials for defects.
18. Read gauges and adjust controls accordingly.
19. Operate machine control buttons and levers in quick, correct sequence.
20. Wear/utilize respirators.
21. Work safely in areas where moving equipment and machinery operate (much of the machinery and equipment utilize audible safety signals).
22. Working at heights up to 100 feet.

I have read the list and can perform all job functions as described.

Signed: Wm Bert

Date: \_\_\_\_\_



AK STEEL CORPORATION

APPLICANT REFERENCE & BACKGROUND CHECK  
WAIVER AND RELEASE

I, VIVIAN BERT, hereby authorize the former employers.  
(Please Print Name as it appears on Driver's License)

educational institutions and other references set forth on my job application or resume, as well as credit and law enforcement agencies, to provide AK Steel Corporation and its agents any and all information related to my prior employment, education, and other information about me. I knowingly and voluntarily release and hold harmless these former employers, institutions, agencies, and references and any employee or agent of them from and against any and all claims of any kind whatsoever that I may have because they provide or attempt to provide any such information to AK Steel.

I hereby authorize AK Steel Corporation to request, receive, and use this information, and I knowingly and voluntarily release and hold harmless AK Steel Corporation or any employee or agent of it from and against any and all claims of any kind whatsoever that I may have because of the request, receipt, or use of any such information.

I agree that any false or misleading information provided by me in connection with my employment shall be sufficient cause for refusal or termination of employment.

Vivian Bert  
Applicant Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Applicant Social Security Number

\_\_\_\_\_  
Driver's License No. and State

I authorize AK Steel to also contact my current  
employer for reference information

\_\_\_\_\_  
Witness

Yes ☒ No ☐

Please list on the backside of this form all previous addresses during the last ten years.

Where references are requested on the "Application for Employment," please list work-related references such as former managers or supervisors if possible. AK Steel employees may be listed where appropriate. List only references that may be contacted.

DEFENDANT'S  
EXHIBIT  
BERT 9  
2007-04-24

## APPLICANT SURVEY

Applicant Name: VIVIAN BERT

Date: \_\_\_\_\_

Item	Response	
1. Other than exiting the military, how many times have you been without employment for more than six weeks?		
2. In the left column, list your full-time employers (company names) for the past 10 years and in the right column write the number of years in each job listed	BURNS Security	2yrs
	Postal Service	2yrs
	OKLAHOMA DEPT. OF TRANSPORTATION	2yrs
	General Electric	9yrs
	Armco Steel	2yrs
	Aerona	2yrs
3. Have you ever been terminated from any employer?	YES	<input checked="" type="radio"/> NO
4. Do you have a high school diploma or GED?	<input checked="" type="radio"/> YES	NO
5. Do you have a valid driver's license?	<input checked="" type="radio"/> YES	NO
6. Do you have reliable transportation?	<input checked="" type="radio"/> YES	NO
7. Have you ever been convicted of a crime other than a minor traffic violation?	YES	<input checked="" type="radio"/> NO
8. Some positions are on weekly rotating shifts. Is this: (A) Preferred (B) Tolerable, or (C) Unacceptable	A	<input checked="" type="radio"/> B C
9. Have you ever worked for AK Steel/Armco before?	<input checked="" type="radio"/> YES	NO
10. How many years of assembly, heavy machinery and/or manufacturing experience do you have?	10yrs	
11. Do you have experience in welding, electrical, maintenance or plumbing?	YES	<input checked="" type="radio"/> NO
12. List any education beyond high school.	Some College - No Degree	
13. Have you served in the military? (Upon job offer, a copy of your DD-214 will be required)	YES	<input checked="" type="radio"/> NO
14. Have you ever worked rotating shifts for a previous employer?	<input checked="" type="radio"/> YES	NO

DEFENDANT'S  
EXHIBITBERT 10  
da 4-24-07



attorneys or other representatives of the Plaintiff, rather than seeking this information from the Plaintiff.

4. The Plaintiff objects to these requests to the extent they seek information and/or documentation protected by the attorney-client privilege or any other applicable privilege.

5. The Plaintiff objects to these requests to the extent that the Defendant is seeking to make them into a bill of particulars.

6. The Plaintiff objects to these requests to the extent they seek to require Plaintiff's counsel to present a "dress rehearsal" of the evidence to be submitted in the course of the proceedings. The mental impressions, legal theories, legal conclusions, and legal opinions of Plaintiff's counsel, as well as any communications between Plaintiff and her counsel, are clearly protected from discovery by the attorney-client privilege and the work product doctrine.

7. The Plaintiff objects to these requests to the extent that the information and/or documentation sought, if any, was obtained and prepared in anticipation of litigation and the Defendants have not made the required showing of substantial need for the information and/or documentation or that the substantial equivalent of such information and/or documentation is unobtainable by other means. The Plaintiff further objects to these requests to the extent that the information and/or documentation called for, if any, is protected and is not discoverable under Rule 26(b)(3) of the Fed. R. Civ. P. and Hickman v. Taylor, 329 U.S. 495 (1947).

8. The Plaintiff objects to these requests to the extent that they seek information and/or documentation that is equally available to the Defendant and the burden on the Defendant to obtain the requested information and/or documentation is no greater than the burden on the Plaintiff.

9. The Plaintiff objects to these requests to the extent they exceed the requirements of Rules



26, 30, 34 or 45 of the Fed. R. Civ. P.

10. The Plaintiff objects to these requests to the extent they seek information and/or documentation relating to expert witnesses, witnesses, and trial exhibits in excess of the disclosure duties imposed by the Fed. R. Civ. P. and the Court's Scheduling and Pretrial Orders relating to such matters.

11. The Plaintiff objects to these requests to the extent they require the Plaintiff to disclose "each and every" fact or piece of knowledge possessed by them as such a requirement is impossible to fulfill and is objectionably broad for failure to be "reasonably particularized".

12. The Plaintiff objects to these requests to the extent they request duplicative and cumulative information and/or documentation heretofore disclosed in conjunction with discovery already undertaken by the Defendant in this action.

13. The Plaintiff objects to these requests to the extent that they seek to require the Plaintiff's attorneys to divulge the substance of information and/or documentation developed by them (i.e., interpretive, not investigatory) in preparation for any hearing or trial in this action.

14. The Plaintiff objects to these requests to the extent that they do not, on their face, restrict themselves either to an identifiable time or a reasonable, rationally-based time frame.

15. The Plaintiff objects to these requests to the extent that they seek information and/or documentation from the Plaintiff regarding matters about which the Defendant has refused or objected to providing in their interrogatory or request for production responses.

16. The Plaintiff objects to these requests to the extent that they are oppressive, i.e., they were designed to create an unreasonable burden on the Plaintiff which burden is not commensurate with the professed result sought.

17. The Plaintiff objects to these interrogatories to the extent they seek answers to multiple interrogatories within a single interrogatory.

18. These requests are addressed to the Plaintiff and the responses herein are based on information and/or documentation presently available to the Plaintiff. Investigation is presently continuing, however, and additional information and/or documentation pertinent to these requests may well be disclosed as a result of such ongoing and continuing investigation.

Except as otherwise indicated, the Plaintiff incorporates the General Objections into each and every answer set forth below. Without waiving the foregoing objections, the Plaintiff answers as follows:

**INTERROGATORY NO. 1:** Identify all litigation or legal proceedings in which you have been a witness or party, including the name and number of the case, the court or administrative agency for which the case was pending, and a brief description of the nature of the case, and the year in which the matter was pending.

**SPECIFIC OBJECTION TO REQUEST:** Plaintiff objects because this request does not seek relevant information or that information subject to production under Fed. R. Civ. P. 26, and thus, this request is unduly harassing, burdensome, and oppressive. Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows:

**ANSWER:** Bert, et al. v. AK Steel  
Case No.: 1:02-CV-00467  
United States District Court  
Southern District of Ohio (Cincinnati)  
Nature of case: Race discrimination in hiring  
  
Bankruptcy approximately 20 years ago.

**INTERROGATORY NO. 2:** Identify all employers for whom you have worked since January 1, 2001, including the dates of employment, the positions held, amounts paid per week, and reason for leaving, if applicable.

**SPECIFIC OBJECTION TO REQUEST:** Plaintiff objects because this request does not seek relevant information or that information subject to production under Fed. R. Civ. P. 26, and thus, this request is unduly harassing, burdensome, and oppressive. Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows:

**ANSWER:** October 2000 to January 2001 - Burns Security; Security Guard; \$130.00/wk;  
Reason for leaving: Company was bought out.

February 2001 to January 2003 - Self Employed; Laundry Cleaning Service; \$100/wk; Reason for leaving: Performed home care.

February 2001 to April 2004 - Self Employed; Home Aide; \$225/wk.

April 2004 to January 2005 - C&E Computers; Office employee of Dry Cleaners; \$250/wk;  
Reason for leaving: Laid off, downsized.

July 2005 to date - General Electric; Shipping and Receiving; \$583/wk.

**INTERROGATORY NO. 3:** Identify all employers to whom you applied for employment since January 1, 2001, including the date you submitted written applications, the job to which you applied, the dates you were interviewed, the employers who tendered you job offers, and a description of the offer.

**SPECIFIC OBJECTION TO REQUEST:** Plaintiff objects because this request does not seek relevant information or that information subject to production under Fed. R. Civ. P. 26, and thus, this request is unduly harassing, burdensome, and oppressive. Subject to and without waiving the foregoing

general and specific objections, Plaintiff responds as follows:

**ANSWER:** September 2001 - AK Steel; Laborer/Clerical; No job offer - no interview.

May 6, 2002 - AK Steel; Laborer/Clerical; No job offer - no interview.

September 3, 2002 - Middletown City School District; Application for non-certified personnel;  
No job offer - no interview.

March 4, 2003 - Miller Brewery, Trenton Ohio; Application for General Laborer; No job offer -  
no interview.

May 2005 - General Electric - Aircraft Engine Business, Cincinnati, Ohio; Interviewed June 2005;  
Employed July 18, 2005; Shipping & Receiving.

**INTERROGATORY NO. 4:** Identify all income received from whatever source, by amount  
each week after January 1, 2001.

**ANSWER:** January 2001; \$130/wk for 2 weeks (Burns Security)

February 2001 - January 2003; \$100/wk (Laundry Mat Cleaning Service)

February 2001 - April 2004; \$225/wk (Home Aide)

April 2004 - January 2005; \$250/wk (Office Manager - Dry Cleaning)

July 2005 to date: \$583/2k (General Electric)

**INTERROGATORY NO. 5:** Identify by name, address and telephone number all individuals  
who have knowledge about or information about the allegations in the Complaint, and state a summary of  
what you believe their knowledge to be.

**ANSWER:** Allen Roberts - Very extensive knowledge of all the charges and proceedings

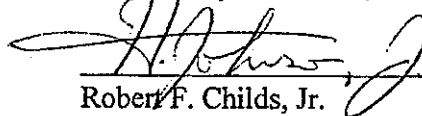
regarding the racial discrimination of employment at AK Steel.

**INTERROGATORY NO. 6** Identify all individuals who you intend to call as witnesses in the litigation of this matter.

**SPECIFIC OBJECTION TO REQUEST:** Plaintiffs objects because this Interrogatory violates the Court's Order establishing a deadline for Plaintiff to disclose witnesses and testimony. Plaintiff further objects to the extent this interrogatory seeks information protected by the attorney-client privilege or other privilege and/or the work product doctrine. Subject to and without waiving the foregoing general and specific objections, Plaintiff responds as follows:

**ANSWER:** Plaintiff will abide by the deadlines established by the Court and the disclosure requirements set by the Federal Rules of Civil Procedure to disclose the witnesses they will use at trial in this case. In any event, the following witnesses may be used: Allen Roberts, Ronald Sloan, Thaddeus Freeman, Donald Edwards, Mary Harris and Shawn Pryor.

Respectfully Submitted,



Robert F. Childs, Jr.

Herman N. Johnson, Jr.

**WIGGINS, CHILDS, QUINN & PANTAZIS**

The Kress Building

301 19<sup>th</sup> Street North

Birmingham, Alabama 35203

(205) 328-0640

(205) 254-1500 (facsimile)


Tobias, Kraus & Torchia, LLP  
414 Walnut Street  
Suite 911  
Cincinnati, Ohio 45202  
(513) 241-8137  
(513) 241-7863 (facsimile)

ATTORNEYS FOR THE PLAINTIFFS

**CERTIFICATE OF SERVICE**

I do hereby certify that on April 23, 2007, I served the foregoing via U.S. Mail and electronic mail upon the following:

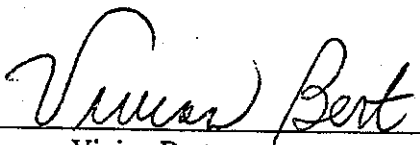
Gregory Parker Rogers  
Lawrence James Barty  
Patricia Anderson Pryor  
Taft, Stettinius & Hollister, LLP  
1800 First Star Tower  
425 Walnut Street  
Cincinnati, OH 45202  
Fax: (513) 381-0205

  
PLAINTIFFS' COUNSEL



**VERIFICATION**

I, Vivian Bert, hereby state that the answers to the foregoing interrogatories are true and complete to the best of my knowledge.

  
\_\_\_\_\_  
Vivian Bert.

This the 2nd day of April, 2007.